

AO 440 (Rev 1/90) Summons in a Civil Action

*United States District Court*

SOUTHERN

NEW YORK

DISTRICT OF

MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,  
Plaintiffs,

**AMENDED SUMMONS  
IN A CIVIL ACTION**

V.

CASE NUMBER: 08 CV 3864 (DAB)

F.M.C. CONSTRUCTION, LLC,  
AURASH CONSTRUCTION CORP.  
and GCL GROUP INC.,  
Defendants.

TO: (Name and Address of Defendant)

F.M.C. CONSTRUCTION, LLC  
110 WALL STREET, 2ND FLOOR  
NEW YORK, NEW YORK 10005

AURASH CONSTRUCTION CORP.  
110 WALL STREET, 2ND FLOOR  
NEW YORK, NEW YORK 10005

GCL GROUP INC.  
110 WALL STREET, 2ND FLOOR  
NEW YORK, NEW YORK 10005

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.  
17 STATE STREET, 4TH FLOOR  
NEW YORK, NEW YORK 10004

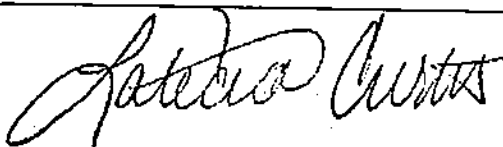
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an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**J. MICHAEL McMAHON**

**MAY 05 2008**

CLERK



DATE

BY DEPUTY CLERK

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate the appropriate method of service:*

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion than residing therein.

☐ Name of person with whom the summons and complaint were left: \_\_\_\_\_  
Returned unexecuted: \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date Signature of Server

\_\_\_\_\_  
Address of Server

<sup>1</sup>) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedures.

**Demovsky Lawyer Service**Premier Nationwide Document Retrieval  
and Process Service CompanyUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,

Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE  
08 CV 3864(DAB)

F.M.C. CONSTRUCTION, LLC, et al.,

Defendant(s).

-----X  
STATE OF NEW YORK )

S.S.:

COUNTY OF ALBANY )

DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 8<sup>TH</sup> day of May, 2008, at approximately the time of 1:00P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the AMENDED SUMMONS AND AMENDED COMPLAINT AND JUDGES' RULES upon GCL GROUP INC., the defendant in this action, by delivering to and leaving with CHAD MATICE an agent of the Secretary of State, of the State of New York, two (2) true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306 Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

CHAD MATICE is a white male, approximately 25 years of age, stands approximately 5 feet 10 inches tall, weighs approximately 185 pounds with brown hair and wears glasses.

*Deborah LaPointe*  
DEBORAH LAPOINTE  
Sworn to before me this  
8<sup>TH</sup> day of May, 2008

NOTARY PUBLIC

FRANK J. PANUCCI  
Notary Public, State of N.Y.  
Qualified in Albany Co.  
Reg. No. 4721156  
Commission Expires July 31, 2010